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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/810,892	03/17/2001	Ching-Fong Su	41914/FLC/F179	6741	
23363	7590 04/29/2004		EXAMINER		
CHRISTIE, PARKER & HALE, LLP 350 WEST COLORADO BOULEVARD			LI, SH	LI, SHI K	
SUITE 500	OLOKADO BOULEVARD		ART UNIT	PAPER NUMBER	
PASADENA,	, CA 91105		2633	_	
			DATE MAILED: 04/29/2004	7	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Sink. L 2533						
## Defice Action Summary Examiner		Application No.	Applicant(s)			
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The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CR 1.13(6), in no event, however, may a reply be timely filed after SX (8) MORTHS from the mailing date of this communication. I NO period for reply is specified above, the maximus attactury period all paych and village to XK (8) MORTHS from the mailing date of this communication. I NO period for reply is specified above, the maximus tractural period polywhith the statutory review 18 (4) MORTHS from the mailing date of this communication. Failure to reply within the set or extended period for reply will, by status, cause the spolaration to become ABANDONED (8) U.S. § 133). Any reply received by the Office determinance that he mailing date of this communication, even if annely filed, may reduce any exempt place term explanation in the produce of the communication of the communication of the communication of the communication of the produce of the communication of the communi	Office Action Summary	Examiner	Art Unit			
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THE MAILING DATE OF THIS COMMUNICATION. Estensions of time may be suitable under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIK (8) MONTHS from the mailing date of this communication. If the period for reply specified above is less than thirty (3) days, a reply within the statutory printers and filting (30) days with so excellent from the mailing date of this communication. Failure to reply within the set or extended period for reply will, by statute, cause the application to biscome ABANDONED (55 U.S.C. § 133). Any reply received by the Office laster than three months after the mailing date of this communication, even if timely filed, may reduce any samed patent term adjustment. See 37 CFR 1.704(b). Status 1) Responsive to communication(s) filed on 17 March 2001. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-58 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) 57 and 58 is/are allowed. Claim(s) 57 and 58 is/are allowed. Claim(s) 1-58 is/are allowed. Claim(s) 1-59 is/are allowed. Claim(s) 1-59 is/are allowed. Claim(s) 3-8.11-16 19-24.27-3.23-40.43-48 and 51-56 is/are objected to. Claim(s) 3-8.11-16 19-24.27-3.23-40.43-48 and 51-56 is/are objected to. Claim(s) 3-8.11-16 is 29-24.27-3.35-40.31-48 and 51-56 is/are objected to by the Examiner. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on 25 June 2001 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in advance, so ebjected to. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) so bjected to. See 37 CFR 1.121(pears on the cover sheet with the c	orrespondence address			
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3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 5) Notice of Informal Patent Application (PTO-152) 6) Other:	3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	Paper No(s)/Mail Da 5) Notice of Informal P	ite			

Application/Control Number: 09/810,892

Art Unit: 2633

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
- 2. Claims 1-2, 9-10, 17-18, 25-26, 33-34, 41-42 and 49-50 are rejected under 35 U.S.C. 102(e) as being anticipated by Doverspike et al. (U.S. Patent Application Pub. 2002/0097671 A1).

Regarding claims 1, Doverspike et al. discloses in FIG. 4 a method for determining a protection path for protecting against a failure in an optical network. For each link of a light path, a set of link metrics is defined as disclosed in paragraphs [0023]-[0031]. Doverspike et al. teaches in paragraph [0034] steps to receive and maintain metrics for each link. Doverspike et al. teaches in FIG. 4 to calculate shortest restoration path based on weights w_k (step 407). The widths of instant claim are equivalent to weights of step 407.

Regarding claims 9 and 17, Doverspike et al. teaches in FIG. 5 method for establishing a protected working path, which includes in step 501 computing service path (same as working path) and in step 504 computing restoration path (same as protection path).

Regarding claims 25, 33, 41 and 49, Doverspike et al. teaches in paragraph [0014] integrated or separate controller for executing algorithms in FIG. 4 and FIG. 5. A controller for

Application/Control Number: 09/810,892

Art Unit: 2633

executing algorithms inherently comprises or is coupled to memory with program instructions representing the algorithms.

Regarding claims 2, 10, 18, 26, 34, 42 and 50, Doverspike et al. teaches in step 405 of FIG. 4 to calculate weight as a normalized difference between reservation capacity on the protection link and the required capacity for the restoration.

Allowable Subject Matter

- 3. Claims 3-8, 11-16, 19-24, 27-32, 35-40, 43-48 and 51-56 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
- 4. Claims 57-58 are allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shi K. Li whose telephone number is 703 305-4341. The examiner can normally be reached on Monday-Friday (8:30 a.m. - 5:00 p.m.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on 703 305-4729. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Application/Control Number: 09/810,892

Art Unit: 2633

Page 4

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skl

LESLIE PASCAL
PRIMARY EXAMINER